

REMARKS

The Office has issued a Notice of Non-Compliant Amendment, dated October 9, 2009, stating that the amendment submitted on October 8, 2009 fails to comply with the requirements of 37 C.F.R. § 1.121. Applicant is of the belief that the Examiner is referring to the Response to Non-Final Official Action filed on June 8, 2009. With regard to the issue of non-compliance the Examiner states that each claim has not been provided with the proper status identifier and that "[c]laim 44 contains amended claim language, i.e. semicolon underlined at the end of step (a)."

The semicolon at the end of step (a) of claim 44 was added in a claim amendment filed on February 13, 2007. In the June 8, 2009 amendment, Applicant inadvertently failed to remove the underlining from the semicolon at the end of step (a). Applicant submits herewith a replacement Listing of Claims wherein the Applicant has removed the underlining from the semicolon at the end of step (a). Since Applicant is not amending claim 44, Applicant believes that the "Previously Presented" status identifier is now correctly presented. Consequently, the replacement Listing of Claims included herewith addresses the issue raised in the Notice of Non-Compliant Amendment.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests acceptance and entry of the replacement Listing of Claims, and in view of that replacement section and the remainder of the Response dated June 8, 2009, it is submitted that all claims are patentable and a Notice of Allowance is respectfully requested.

Applicant does not believe that any fees are due in connection with this response. However, if any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account 23-3000.

Application Serial No. 10/826,113
Response To Notice of Non-Compliant Amendment
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Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

/Gregory F. Ahrens/

Gregory F. Ahrens

Reg. No. 32,957

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
(513) 241-2324 (voice)
(513) 241-6234 (facsimile)

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